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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,294	01/02/2004	Chih-Hsin Wang	CFP-2365 (15722/616)	2384
7590	10/25/2004		EXAMINER	
ALAN D. KAMRATH, NIKOLAI & MERSEREAU, P.A., 820 INTERNATIONAL CENTRE, 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3325			GRILES, BETHANY L	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/751,294	WANG, CHIH-HSIN <i>ST</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bethany L. Griles	3643	

*– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –*  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 August 2004.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 3-6 and 9-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3-5 and 9 is/are rejected.

7) Claim(s) 6,7 and 10-22 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 3-5 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see amendment, filed 8/9/04, with respect to claims 6&7 have been fully considered and are persuasive. The rejection of claims 6&7 has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou US5987709 in view of Mudge et al. US6360404.

Regarding claims 3 and 9, Chou discloses a central member 219, 231, a first lateral member 145 and a second lateral member 149 for pivotal and releasable engagement with the central member 219, 231.

Chou does not disclose the lateral members are cylinders.

Mudge et al. disclose a lateral pivotal cylinder member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Mudge et al. of a lateral pivotal member to the

invention of Chou to replace the sphere lateral members in order to increase the strength of the connection of the parts. It would further have been obvious to rearrange the parts to have the male portions as the center portion and the female parts as the lateral portions, as this would be a mere rearrangement of parts. Chou as modified by Mudge et al. discloses the claimed invention except for the orientation of the male and female units. It would have been obvious to one having ordinary skill in the art at the time the invention was made to interchange these elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Regarding claim 2, Chou discloses the central member 215, 217 is a female member while the lateral members 145, 149 are male members.

Chou as modified by Mudge et al. discloses the claimed invention except for the orientation of the male and female units. It would have been obvious to one having ordinary skill in the art at the time the invention was made to interchange these elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Regarding claim 3, Chou discloses the female member includes a first recess defined in and end 229, 233 and a second recess defined in a second end 229, 233 (refer to figure 4) and the first male member can be forced into the first recess and the second male member can be forced into the second recess.

Chou does not disclose that the male member is a cylinder.

Mudge et al. disclose a lateral pivotal cylinder member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Mudge et al. of a lateral pivotal member to the invention of Chou to replace the sphere lateral members in order to increase the strength of the connection of the parts.

Regarding claims 4 and 5, Chou discloses the first and second recesses 215, 213 have a reduced opening to keep the cylinder of the first male member within (see figures 3 and 4).

#### ***Allowable Subject Matter***

Claims 6, 7, 10-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller US4044725; Collins US2612139.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Bethany L. Griles  
Examiner  
Art Unit 3643

blg

  
Peter M. Poon  
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10/26/07